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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 RAEF LAWSON, in his capacity as Private
15 Attorney General Representative,

16 Case No. 15-cv-05128 JSC

17 Plaintiff,

18 v.
19 **PLAINTIFF'S ADMINISTRATIVE**
20 **MOTION FOR BRIEF CONTINUANCE**
21 **OF TRIAL**

22 GRUBHUB HOLDINGS INC. and GRUBHUB
23 INC.,

24 Judge: Hon. Jacqueline Scott Corley
25 Action Filed: September 23, 2015

26 Defendants

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1 In accordance with N.D. Cal. Civ. Local Rule 7-11, Plaintiff hereby moves the Court to
 2 continue the trial currently scheduled in this matter for April 9-10, 2025, by a few weeks.¹ As the
 3 Court is aware, the upcoming trial is for the purpose of assessing PAGA penalties against
 4 GrubHub for its minimum wage violations for the period of December 3, 2014, through
 5 December 15, 2020.

6 Plaintiff makes this request because on March 27, 2025, his counsel took a deposition of
 7 GrubHub Strategic Growth Leader Jared Grebner, one of two witnesses who GrubHub has
 8 indicated it intends to call as a witness at the trial. Mr. Grebner was represented to be an
 9 individual with knowledge of GrubHub's pay data for drivers. GrubHub had produced "more
 10 than 99 million lines of data" to Plaintiff. (Dkt. 396, at 1.) Prior to this deposition, Plaintiff's
 11 counsel understood the massive data that GrubHub produced to include only weekly data. From
 12 Mr. Grebner's testimony, however, Plaintiff's counsel learned that daily data was also included.

13 As such, Plaintiff intends to supplement his calculations of minimum wage violations and
 14 penalties to include versions calculated on a daily basis, as well as on a weekly basis. Plaintiff
 15 believes these calculations will provide a more accurate and complete picture of GrubHub's pay
 16 practices during this period and will eliminate the need for certain inferences made in the
 17 calculations.² Plaintiff expects to be able to produce the supplemental calculations this week,

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¹ The trial was scheduled for April 9-11, 2025. On March 20, 2025, the Court indicated
 19 she is not available on April 11, 2025, but could be available on April 14, 2025, if a third day is
 20 needed, but that testimony should take two days and proceed on April 9-10, 2025. Dkt. 410.
 21 Plaintiff's counsel is not available on April 14, 2025. If the Court plans to have an additional
 22 day for argument following the testimony, Plaintiff suggests another date being scheduled that is
 23 convenient for the Court and counsel.

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² In addition, following Mr. Grebner's deposition, it became apparent that it is possible to
 25 calculate from the data what drivers' acceptance rates were for each "block", thus allowing
 26 calculations to be performed that do not count all the time in a block as having been worked if
 27 the driver's acceptance rate falls below a certain percentage, such as 75% (as GrubHub
 28 calculated in deciding, for some period, whether to pay drivers a "true-up" for that block).
 Plaintiff's revised calculation will take this fact into account, which would decrease the time
 worked and presumptively the amount of minimum wage violations – which would be a
 calculation in GrubHub's favor.

1 and no later than April 4, 2025.

2 Plaintiff therefore proposes that the Court reschedule the trial to take place in a few
3 weeks (at the Court's availability), in order to allow GrubHub the opportunity to review these
4 supplemental calculations and take an additional deposition of Plaintiff's data analyst regarding
5 these new calculations, if GrubHub so chooses.

6 Plaintiff suggests that, given this development, it may be helpful for the Court to hold a
7 telephonic status conference with the parties.

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9 Dated: April 1, 2025

Respectfully submitted,

10 RAEF LAWSON, in his capacity as
11 Private Attorney General Representative

12 By his attorneys,

13 /s/ Shannon Liss-Riordan

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served by electronic filing on April 1, 2025, on all counsel of record.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan